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By Certified Mail

Return Receipt Requested

May 1, 2014

Corporation Service Company
Agent for Service of Process for
Pentair Thermal Management, LLC
2711 Centerville Rd., Ste. 400
Wilmington, DE 19808

Kevin Friel
Director of Operations
Pentair Thermal Management, LLC
2501 Bay Road
Redwood City, CA 94063

USA Regional Headquarters
Pentair Thermal Management, LLC
Attn. Legal Department
7433 Harwin Dr.
Houston, TX 77036

Re: Notice of Intent to File Citizen Suit Pursuant to the Federal Clean Water Act

To Whom It May Concern:

On behalf of the Plastic Pollution Coalition, a program of the Earth Island Institute (collectively, "PPC"), whose address is 2150 Allston Way #460, Berkeley, California 94704, and telephone number is (510) 859-9100, I write regarding violations under the federal Clean Water Act ("CWA") by Pentair Thermal Management, LLC ("Pentair"), with regard to its facilities located at: 2555 Bay Road, 2501 Bay Road, 2415 Bay Road, 947 Douglas Ave, and 899 Broadway, all adjacent buildings on an approximately five-acre site in Redwood City, 94063 (collectively, the "Facility"). The purpose of this letter is to provide Pentair with notice of these violations and notice of our intent to file a lawsuit against the corporation in sixty (60) days under the CWA in Federal District Court. 33 U.S.C. § 1365(a)(1).

The Clean Water Act prohibits the discharge of storm water from industrial activities except as allowed pursuant to a permit. See 33 U.S.C. § 1311(a), 1342; 40 C.F.R. § 126(c)(1). PPC intends to file suit for Pentair's ongoing failure to comply with the procedural and substantive conditions of the State of California's National Pollutant Discharge Elimination System General Permit No. CAS000001, California Regional Water Quality Control Board, Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities ("NPDES Permit" or "Stormwater Permit").

As detailed below, information available to PPC indicates that Pentair has failed to comply with many of the basic reporting, filing, and monitoring requirements of the Storm Water

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Permit and has discharged, and continues to discharge, pollutants unlawfully from the Facility. In addition to the violations explicitly noted herein, this notice letter ("Notice") covers all CWA violations of the same type evidenced by information that becomes available after the date of this Notice.

According to the California Secretary of State, the registered agent for service of process for Pentair Corporation is Corporation Service Company. The Facility previously operated and reported to the Water Board under the name of Tyco Thermal Controls. All references in this letter to Pentair also refer to Tyco Thermal Controls to the extent the latter was operating the Facility. Based on our information, in 2012, a merger between Pentair's parent company, Pentair Inc., and Tyco International Ltd. created a new entity, Pentair Ltd. The Facility in Redwood City appears to be associated with Pentair Ltd. (collectively with Pentair, Tyco Thermal Controls, and Tyco International Ltd. are referred to as the "Pentair Entities"). This letter puts all Pentair Entities on notice of violations and is being sent to you as the responsible owners, officers, and/or operators of the Pentair Entities, or as the registered agent for these individuals and entities.

I. Background on Pentair Thermal Management

Based on our investigation, the Pentair has been operating the Facility since at least 2002. The company certifies in its Notice of Intent filed in 2013 that it is classified under SIC codes 3357 (drawing and insulating nonferrous wire) and 3087 (miscellaneous plastics). In 2002, the company's NOI to comply with the Storm Water Permit noted that Pentair was classified under SIC code 3089 (plastic products). Pentair engages at the Facility in industrial manufacturing processes to produce heat tracing and leak detection products for infrastructure industries. Pentair handles a wide array of industrial materials and wastes, including plastic pellets, plastic color concentrates for film and injection molding applications, plastic compounds, carbon paper, and powder coating application, modified copolymers of ethylene and tetrafluoroethylene, antimony, copper, zinc, aluminum, iron, and other chemicals. Sources of pollutants associated with the industrial activities at the Facility are not adequately described in the facilities reporting materials but appear to include industrial processes related to plastic nurdles and the receiving, shipping, and storage of hazardous materials. The total area of the Facility encompasses approximately 5 contiguous acres and it has at least 10 storm drains and one valley gutter. The Facility collects and discharges storm water from its operations into channels that ultimately flow into the San Francisco Bay.

Despite the company's long-term history of handling of hazardous wastes and the importance of Pentair taking environmental stewardship seriously, records evidence a repeated, ongoing disregard for the reporting requirements of the CWA and its NPDES Permit.

II. Legal Framework

The objective of the Clean Water Act is to restore and maintain the "chemical, physical and biological integrity of [the] Nation's waters." 33 U.S.C. § 1251(a). In accordance with that objective, § 301(a) of the Clean Water Act makes unlawful "the discharge of any pollutant by any person," unless in compliance with a permit issued under the National Pollutant Discharge Elimination System ("NPDES"). 33 U.S.C. §§ 1311(a), 1342; *Env'tl. Prot. Agency v. California*